



Dignity, Democracy, Diversity

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Title of Paper: Increasing Inequalities and Social Rights under Attack: What Perspectives Are There for Justice as Fairness and Democratic Egalitarianism?

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1. Introduction. The question of social justice that will be discussed here is that of justice as fairness and equality, and more broadly the egalitarian paradigm, which in its different forms can always be traced to the tension between equality and liberty, a tension inherent in the idea of justice in the law. Against the background of a Kelsenian social happiness guaranteed by a social order, the classic principles of justice in the tradition of liberal egalitarianism are increasingly coming under attack.

Egalitarians continue to speak of human equality as a significant principle for action in the face of all the evident human inequalities in resources, status, intellect, merit, and desert. In many contexts the claim to human equality is no more than negative egalitarianism, a denial, a limited criticism of some specific existing arrangements. However, the principle of equal consideration of human interests is required by current conceptions of social justice. It can be effective in public policy-making, but when egalitarianism is translated into concrete political programs, it usually amounts to a proposal to abandon existing inequalities, rather than to adopt some positive principle of social justice.

However, there is great concern about economic inequality, both among the scholarly community and in the general public, and many insist that equality is an important social goal.

A broad critique of egalitarianism comes from John Kekes, whose *Illusions of Egalitarianism* brings out what he takes to be the errors made by egalitarians, who include Rawls, Dworkin, Nussbaum, and other philosophers. Specifically, Kekes discusses three flaws of egalitarianism: (1) the theory offers no proper *justification* for the idea

that people should be treated with equal consideration, but only an *optimistic faith* in that standard; (2) it does not give due weight to the problem of responsibility and to the question of desert; and (3) egalitarians only tolerate only what they deem justified. We cannot here consider each of these claims in depth, but it could be useful to consider some egalitarian responses to these objections:

- (1) Equality is a basic ideal.
- (2) Egalitarians have reconsidered their ideal of equality so as to accommodate the conviction that justice requires that individuals be treated as responsible agents (Dworkin, Arneson, Cohen) and according to what they deserve.
- (3) Egalitarians recognize that people may be treated unequally, so long as there are morally relevant grounds for doing so.

2. Rethinking Inequality. Rising economic inequality (extreme poverty coupled with extreme wealth: see Oxfam 2019) is a problem that has been extensively studied by social epidemiologists, economists, political, and legal scientists. Some aspects of this rising inequality may have bad consequences on public health, economic growth, educational and employment opportunities, and crimes rates. Philosophers have not devoted much thought to these aspects, focussing instead on normative issues of economic inequality, and egalitarians have generally focused on broader, more foundational questions. These two broad approaches to the problem of growing inequality—that of philosophers (such as egalitarians) and that of the social scientist—have for the most part not intersected, but there are good reasons to consider both approaches. One reason is that individuals' choices cannot easily be separated from their social and economic circumstances, nor can the latter easily be separated from their responsibility, effort, and merit. Redistributive measures are not sufficient as compensation.

Consistent egalitarian policies would have to aim to overcome empirical trends and data (as evidenced by research in social psychology and labour economics), and failure to do so is precisely what gives rise to absurd policies.

We need to consider:

- the normative implications of empirical research on the effects of inequality,
- the relation between egalitarianism and perceptions of inequality, and
- social-relations egalitarianism versus luck egalitarianism.

3. Conclusion. The normative core of social rights lies in the egalitarian ideal of neutralizing specific inequalities. This ideal is based on principles of social justice and the symmetric condition we are understood to be in as free and equal persons—the condition that sets up the framing of the principles of Rawlsian justice and endows them with content. How to protect basic social rights on a foundation of equality, well-being, and inclusion? How to guarantee the social protection of public goods and services? What is the case for a basic income as a government program designed to secure a social good by which to preserve the integrity of the democratic process?

Some of these most important questions need to be posed anew in light of philosophical defences of equality, and of normative arguments against inequality, and in light of the growing work that social scientists have done on the negative effects of rising social and economic inequality.